TOWN OF WAYLAND

WARRANT for SPECIAL TOWN MEETING

Thursday, November 8, 2007 7:30 P.M.
Wayland High School Field House

DOORS OPEN AT 6:00 P.M.

www.wayland.ma.us

NOTICE

The Town of Wayland does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services, or activities. Wayland does not discriminate on the basis of disability in its hiring or employment practices.

This notice is provided as required by Title II of the Americans with Disabilities Act of 1990 (ADA).

Questions, concerns, complaints, or requests for additional information regarding the ADA may be forwarded to Wayland's designated ADA Compliance Coordinator.

Name:	John Senchyshyn
Title:	Assistant Town Administrator/HR Director
Office Address:	41 Cochituate Road, Wayland MA 01778
Phone Number:	(508) 358-3623
Fax Number:	(508) 358-3627
TDD:	(508) 358-0194 or 911
Days/Hours Available:	Monday, 8:30 a.m. to 7:00 p.m. Tuesday to Thursday, 8:30 a.m. to 4:00 p.m. Friday, 8:30 a.m. to 12:30 p.m.

Individuals who need auxiliary aids for effective communication in programs and services of Wayland are invited to make their needs and preferences known to the ADA Compliance Coordinator. A minimum of fourteen days' notice is required.

Note: A limited number of assistive listening devices are available for Town residents with hearing impairment. Please present your ID to the Assistant Town Clerk at the check-in table to obtain a device.

This notice is available in large print and on audio tape from the ADA Compliance Coordinator.

TOWN OF WAYLAND

2007 SPECIAL TOWN MEETING WARRANT

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ADJOURNED MEETINGS

It is anticipated that if an adjourned meeting is necessary to complete action on this warrant, it will be held on Tuesday, November 13, 2007, subject to Special Town Meeting approval.

If you have any questions about the Articles, please attend the Warrant Hearing on Monday, October 29, 2007, at 8:00 P.M. at the Town Building. You may also call the Town Administrator's office at (508) 358-7755 before Special Town Meeting.

NOTICE REGARDING MOTIONS

This warrant for Wayland Special Town Meeting is issued by the Board of Selectmen and is served upon all residents by mail and by posting at the Town Building, the Wayland Public Library, the Cochituate Fire Station or the Cochituate Post Office, and at Happy Hollow School. It contains the agenda of subjects to be acted upon; i.e., the articles.

By state law, no action at the special town meeting is valid unless the subject matter is contained in the warrant. This requirement means only that the subjects to be acted upon must be sufficiently stated in the warrant to apprise voters of the nature of the matters with which the meeting is authorized to deal. It does not require that the warrant contain an accurate forecast of the precise action that the meeting will take upon those subjects. A valid motion may differ from the underlying article, but it must be within the scope of that article.

QUANTUM OF VOTE

The quantum of vote is specified in the warrant for each article.

For those articles involving appropriations which are anticipated to be provided by taxation or from available funds or transferred funds previously appropriated for another purpose, a majority vote is required for approval of a main motion thereunder. For articles which are anticipated to be funded by borrowing, a two-thirds vote is required.

Certain articles request the action of Town Meeting under its general legislative powers (i.e., to hear and accept reports, to appoint a committee, to adopt a resolution or "sense of the meeting" vote, etc.), and in such cases no particular statute is referenced. Town Counsel has advised that, as a matter of common law precedent in Massachusetts, such matters are decided by a majority vote.

NO SMOKING NOTICE

Voters are reminded that there is no smoking permitted on school grounds.

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss. *Town of Wayland*

WARRANT of the SPECIAL TOWN MEETING OF NOVEMBER 8, 2007

To any of the Constables of the Town of Wayland, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify all residents of the Town of Wayland who shall be qualified to vote in accordance with the provisions of Massachusetts General Laws, Chapter 51, Section 1, to meet in the High School Field House on

THURSDAY, NOVEMBER 8, 2007, AT 7:30 P.M.

to act on the following Articles:

ARTICLE 1: RESOLUTION ENDORSING THE WORK OF THE WAYLAND HURRICANE RELIEF STEERING COMMITTEE

Proposed by: Board of Selectmen

To determine whether the Town will vote to adopt a resolution to continue to endorse the work of the Wayland-to-Waveland organization in its efforts to assist the citizens of Waveland, Mississippi to rebuild their community devastated by Hurricane Katrina in August and September 2005.

RESOLVED, that the citizens of Wayland, Massachusetts reaffirm the public-private partnership comprised of the Town, the Wayland-to-Waveland hurricane recovery organization, and the ever-expanding network of volunteers committed to rebuilding efforts and developing personal relationships in our sister community of Waveland, Mississippi; and,

BE IT FURTHER RESOLVED, that this Town Meeting commend the efforts of the steering committee, contractors, skilled craftsmen, and citizen volunteers from across the Commonwealth who are dedicated to constructing eight homes in Waveland by February 2008 and encourage its fellow citizens to donate money and material to support or to volunteer their time to participate in the Mission to Mississippi rebuilding project.

FINANCE COMMITTEE COMMENTS: Established in 2005, and operating under the banner "Wayland to Waveland," this public/private partnership has provided aid to help restore the city of Waveland, Mississippi, a coastline city which was ground zero for the Katrina hurricane and which was 95% destroyed. Initially the committee collected and distributed enough supplies to outfit over 100 FEMA trailers, sent Christmas presents, appliances, furniture, books, and other gifts to the residents, and rebuilt several homes. The Town endorsed the work of the Committee at the 2006 Special Town meeting, but their work of restoration has continued, with the latest ongoing effort, a "Mission to Mississippi," the construction, by local contractors and volunteers, of eight new homes for Waveland residents.

ARGUMENTS IN FAVOR: Endorsement by the citizens of the Town will recognize and honor the work and generosity of the Committee and its donors and provide incentive for them to continue their efforts.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments in opposition.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: Majority.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 2: CREATE A DEPARTMENT OF PUBLIC WORKS

Sponsored by: Board of Selectmen

To determine whether the Town will vote to:

1.) authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to enact a special act providing for the establishment of a Department of Public Works substantially the same as the special act set forth on pages 5 through 8 of this warrant;

2.) Amend the Code of the Town of Wayland effective July 1, 2008 by:

a.) adding thereto the following new Chapter:

"Chapter 151

Director of Public Works

§151-1. Appointment and Qualifications.

151.1.1 The Town Administrator, in consultation with the Board of Public Works, may appoint a Director of Public Works for a term of one to three years or the Director of Public Works may serve the Town at will and at the pleasure of the Town Administrator. The Director of Public Works shall receive such aggregate compensation and fringe benefits, not exceeding the amount appropriated, as the Town Administrator may determine in accordance with the Town's Personnel By-Laws and Wage and Salary Classification Plan. The Town Administrator may, but is not required to, establish a written employment contract with the Director of Public Works to provide for the salary, fringe benefits, and other conditions of employment of the Director of Public Works in accordance with the Town's Personnel By-Laws and Wage and Salary Classification Plan. The Director of Public Works position shall be a managerial and confidential employee as such is defined by Massachusetts General Laws Chapter 150E and relevant case law from the Massachusetts Labor Relations Commission.

151.1.2 The Director of Public Works shall hold no elective Town office, but may be appointed by the Town Administrator to any other compatible Town office or position. The Director of Public Works shall devote full-time to the responsibilities of the department, and shall engage in no other business or occupation without advance written authorization by the Town Administrator.

§151-2. Authority and Responsibilities.

151.2.1 The Director of Public Works shall be responsible for the day to day management and operations of the Department of Public Works and shall act by and for the Board of Public Works in carrying out its responsibilities and in the exercise of its authority and powers established by general and special law, by-law and vote of the Town. The Town Administrator will provide operational and administrative (including, but not limited to budget and financial management, procurement, employment relations, collective bargaining, personnel administration, insurance and risk management matters) direction to the Director of Public Works.

151.2.2 Subject to ratification by the Town Administrator or his/her designee, the Director of Public Works shall have the power and authority to appoint, on the basis of merit and fitness alone, and, discipline, suspend, demote, transfer or terminate supervisory or managerial personnel in the Department of Public Works. The Director of Public Works shall also have the authority to hire, promote, discipline, suspend, demote, transfer or terminate all other personnel in the Department of Public Works. All personnel actions taken by the Director of Public Works shall be taken in accordance will all applicable laws, provisions of any collective bargaining agreements, personnel by-laws and personnel practices and policies.

151.2.3 The Director of Public Works shall:

(a) manage and supervise all operations, affairs and personnel of the Department of Public Works;
(b) implement the goals and objectives established by the Town Administrator which shall be consistent with the policies of the Board of Public Works;
(c) act as the liaison with and represent the Department of Public Works before state, federal and regional authorities;
(d) serve as the Department of Public Works' public information officer in responding to suggestions, complaints and criticisms;
(e) annually prepare and submit to the Board of Public Works for its review, and to the Town Administrator for his/her subsequent recommendation to the Finance Committee, a departmental budget showing proposed expenditures and revenues for the ensuing fiscal year; and
(f) perform such other duties as may be required by the Town Administrator, by-law, state law or federal law, rules and regulations and the Director of Public Works' job description.

§151-3. Removal of the Director of Public Works.

Section 151.3.1 Termination of employment of any director of public works shall be effected by order of the Town Administrator.

§151-4. Acting Director of Public Works.

Section 151.4.1 The Town Administrator may designate a qualified person to serve as the Acting or Interim Director of Public Works and to perform the duties of the of the Director of Public Works during the period of any vacancy caused by the Director of Public Works' absence, illness, suspension, termination or resignation.";

(b) by replacing "Board of Health" wherever said words appear in Chapter 153 thereof with the words "Board of Public Works";

(c) by replacing "Superintendent of Streets" in §158-1 thereof with the words "Board of Public Works";

(d) by replacing "Wayland Highway Department" in §158-6, §158-8 and §158-9 thereof with the words "Board of Public Works";

(e) by replacing "Board of Road Commissioners" wherever said words appear in §158-13 thereof with the words "Board of Public Works";

(f) by replacing "Water Commissioners" and "Board of Water Commissioners" wherever said words appear in Chapter 190 and Chapter 191 thereof with the words "Board of Public Works"; and

(g) by adding to Chapter 43 thereof, PERSONNEL and the Personnel Wage and Salary Classification Plan previously adopted by the Town (Appendix C), Non-Union Wage Scale, N Schedule, position titles and salary grades for the Director of Public Works.

3.) amend and modify its vote under Article 10 of the Warrant for the 1996 Annual Town Meeting by transferring the care, custody, management and control of the parcel of land containing 5.9 acres, more or less, and comprising a portion of the so-called Old Landfill located on the southerly side of Boston Post Road and described in an order of taking dated March 30, 1970 and recorded with the Middlesex South Registry of Deeds in Book 11816, Page 625 and the parcels of land located off the northerly side of Boston Post Road, containing, in the aggregate, 37.54 acres, more or less, and comprising the so-called Sandhill Landfill and described in an order of taking dated June 5, 1967 and recorded with said Registry of Deeds in Book 11351, Page 146 and an order of taking dated March 8, 1971 and recorded with said Registry of Deeds in Book 11977, Page 704, and all landfill-related employees, equipment, vehicles, structures, material, supplies budgetary funds, other funds and accounts from the Board of Health to the Department of Public Works effective July 1, 2008; and

4.) authorize the Board of Selectmen, with the approval of Town Counsel as to form, to amend the intermunicipal agreement between the Town of Sudbury and the Town of Wayland dated June 4, 1997 relative to the Wayland-Sudbury Septage Treatment Facility by changing the manner of selection of the four (4) Town of Wayland appointees to the Septage Committee.

Chapter _____ of the Acts of 2008

AN ACT AUTHORIZING THE TOWN OF WAYLAND TO ESTABLISH A DEPARTMENT OF PUBLIC WORKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. There is hereby established in the town of Wayland a department of public works, in this act called the department, which shall be under the supervision, direction and control of the town administrator.

SECTION 2. (a) There shall be a board of public works consisting of five members, in this act called the board. From the effective date of this act until not earlier than the conclusion of the 2010 annual

town election, the members of the board shall be designated as follows: (i) one member who shall be appointed by the Board of Road Commissioners ; (ii) one member who shall be appointed by the Board of Water Commissioners ; (iii) one member who shall be appointed by the Park and Recreation Commission; (iv) one member who shall be appointed by the Board of Health; and (v) one member who shall be appointed by the Board of Selectmen after consultation with the Wayland Wastewater Management District Commission and the town's appointees to the Septage Committee. In making their appointments to the board, the Board of Road Commissioners, the Board of Water Commissioners, the Park and Recreation Commission and the Board of Health shall consider their respective current and former members and the Board of Selectmen shall consider current and former members of the Wayland Wastewater Management District Commission and the town's current and former appointees to the Septage Committee. When the board so appointed first enters upon the performance of its duties it shall file written notice thereof with the town clerk and the board of road commissioners, the board of water commissioners and the Wayland Wastewater Management District Commission shall thereupon be abolished and the Park and Recreation Commission shall thereafter be known as the Recreation Commission. Vacancies occurring in the board after its initial appointment and before the conclusion of the 2010 annual town election shall be filled by roll call vote of the Board of Selectmen and the remaining members of the board acting jointly. Commencing with the 2010 annual town election, the manner of selection of the members of the board shall be by election at the annual town election. The initial members thereof shall be elected, one to serve for one year, two to serve for two years, and two to serve for three years, and thereafter when the term of any member expires, such member's successor shall be elected for a term of three years. In all cases, each member shall serve until his successor is appointed or elected, as the case may be, and qualified. Vacancies in the elected board shall be filled in accordance with section 11 of chapter 41 of the general laws. All members of the board shall be registered voters of the town.

(b) The board shall have the powers and duties of the following boards, commissions, committees and officers now or from time to time vested by general or special law or by town by-law in the following boards, commissions and officers, except as provided in this act:

1) road commissioners and board of road commissioners;

2) surveyors of highways;

3) superintendent of streets;

4) water commissioners and board of water commissioners;

5) the Wayland Wastewater Management District Commission;

6) park commissioners, except conducting recreation activities or programs;

7) cemetery commissioners;

8) tree warden;

9) the town of Wayland's appointees to the Wayland-Sudbury Septage Committee, three of whom shall be appointed by the board to serve with the director of public works who shall be a member of said committee ex-officio; and

10) any other public works related powers and duties that may be from time to time vested in the board by general or special law, town by-law or town meeting vote.

(c) The town's sanitary landfill and any other solid waste disposal facilities or services that may be provided, made available or arranged by the town shall be under the supervision and control of the board.

(d) In addition, the board shall be responsible for the custody, care, management, control, operation, repair and maintenance of all town-owned land, equipment, facilities, vehicles and other personal property and accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the board of road commissioners, the board of water commissioners, the Wayland Wastewater Management District Commission and the park and recreation commission and used by said commissions for public works or park purposes. In consultation with the Recreation Commission, the board shall annually establish a plan for the periodic maintenance, repair and improvement of all town-owned land on which programs, events and activities are conducted or coordinated by the recreation department. The board shall be responsible for carrying out the plan.

(e) The board shall have the authority to adopt and amend rules and regulations relative to all matters and affairs under its jurisdiction. Prior to adopting or amending such rules and regulations, the board shall hold a public hearing thereon, notice of which, giving the time, date and place, shall be placed in a newspaper of general circulation in the town, once in each of two successive weeks, with the first such publication being not less than fourteen (14) days before the hearing. Any such rules and regulations so adopted or amended shall be filed in the office of the town clerk whereupon they shall take effect. After any such rules and regulations are so filed, they may be published and included in the Code of the Town of Wayland or in separate pamphlets and shall be posted on the Town's official website or on the official website of the board and a copy shall be filed in the Town Library.

SECTION 3. The town administrator, in consultation with the board, shall appoint, fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with a director of public works, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The director shall exercise and perform, under the operational and administrative direction of the town administrator and the policy direction of the board, the powers, rights and duties which have been transferred to the department hereunder and as set forth in the town's by-laws. The director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as director of public works. The director shall be a managerial and confidential employee as such is defined by Massachusetts General Laws Chapter 150E and relevant case law from the Massachusetts Labor Relations Commission.

SECTION 4. No existing contract, agreement or liability shall be affected by the abolition or modification of any board, commission or office effectuated by this act, but the board shall in all respects be the lawful successor of the boards, commissions and offices so abolished or modified.

SECTION 5. Each regular full time or part time employee of any board, commission or office abolished or modified by this act shall be transferred to and become an employee of the department. No such employee shall forfeit rate of compensation, grade, step, or time of service solely on account of the establishment of the department. All collective bargaining agreements or employment contracts in force on the effective date of this act shall not be affected by this act. Nothing in this section shall be construed as limiting the town's rights including but not limited to the right to determine the level of services, to reorganize, to create and abolish positions, to combine positions, reclassify positions, modify the organizational structure of the Department of Public Works, or to negotiate and agree to amendments, modifications or revisions to any collective bargaining agreement or employment contract or to or amend or modify any by-law of the town in accordance with law.

SECTION 6. Chapter 130 of the Acts of 1962 is hereby repealed.

SECTION 7. Chapter 254 of the Acts of 1966 is hereby repealed.

SECTION 8. Establishment of Recreation Commission; Recreation Director.

(a) Upon the filing of written notice in accordance with Paragraph (a) of Section 2 of this act, the town's park and recreation commission shall be thereafter known as the recreation commission. The recreation commission shall consist of five members elected for terms of three years. The terms of the members of the recreation commission shall be staggered as the terms of the park and recreation commission are so staggered. The members of the park and recreation commission in office immediately prior to the effective date of this act shall continue in office as members of the recreation commission provided for in this section.

(b) The recreation commission shall have the power and authority to conduct recreation programs and activities on land or in facilities or buildings owned, leased or held by the town for park, playground or recreation purposes, and, with the approval of the school committee, for school purposes.

(c) In addition, the recreation commission shall be responsible for the custody, management, control and operation of all accounts, budgetary funds, other funds and staff formerly under the jurisdiction of the park and recreation commission and held or employed for playground or recreation purposes.

(d) The Town Administrator, in consultation with the recreation commission, shall also have the power and authority to appoint, fix the tenure, compensation and fringe benefits of, and may enter into an employment agreement with a recreation director, subject to appropriation and the provisions of the town's by-laws and personnel by-laws and wage and salary classification plan. The recreation director shall exercise and perform, under the supervision and direction of the board and the administrative direction of the Town Administrator, the powers, rights and duties of the commission set forth in this section and the town's by-laws. The recreation director need not be a resident of the town during tenure of office. No member of the board shall be eligible for appointment as the recreation director. The recreation director shall be a managerial and confidential employee as such is defined by Massachusetts General Laws Chapter 150E and relevant case law from the Massachusetts Labor Relations Commission.

SECTION 9. This act shall take effect on July 1, 2008.

FINANCE COMMITTEE COMMENTS: This article establishes a Department of Public Works (DPW) effective July 1, 2008, which will combine the operations of the Highway, Water, Septage, Waste Water, Landfill operations, and the Park operations of the current Park and Recreation department.

Governance

The DPW will be under the supervision, direction and control of the Town Administrator, and will be managed by a Director of Public Works (the Director), who will be appointed by the Town Administrator in consultation with the Board of Public Works. Final termination of any Director shall be effected by order of the Town Administrator. The Board of Public Works (the Board) will be a 5-person elected board and be responsible for department policy. With the creation of the Board, the Boards of Road Commissioners, Water Commissioners, and Waste Water will cease to exist. The Board of Health will cease to have authority for the Landfill Operations, which is being transferred to the DPW. Also, the Park operations (field maintenance and planning) currently under the jurisdiction

of the Park and Recreation Commission will be combined within the DPW. The Park and Recreation Commission will be re-chartered as a Recreation Commission with responsibility for recreation programs. The Sudbury / Wayland joint Septage Committee will continue to oversee the joint septage facility, although day to day management and expenditures will be under the direction of the DPW.

Creation of the Board of Public Works

The Board will consist of five elected members. The first election will be scheduled for the 2010 annual town election. Between effective date of July 1, 2008 and the 2010 annual town election, the members of the board will be designated as follows: the Boards of Road Commissioners, Water Commissioners, Park and Recreation, Health, and Selectmen (with Consultation with Wastewater Management District Commission) will each appoint a member to Board. Commencing with the 2010 annual town election, the five-member appointed board will be replaced with an elected board, initially with staggered terms such that one elected board member will serve for one year; two for two years; and two elected for three year terms. Each successor shall be elected for a term of three year terms.

Budgeting and Financial Management

The Director will annually prepare and submit a budget to the Board for its review. The Town Administrator will have responsibility for submitting the DPW budget to the Finance Committee. The DPW budget will be a combined budget and the total will be included in the total Town Budget. However, included in source of Town revenue will be the fee revenue from Water, Septage, and Waste Water Management. This will be a change from the current budget which shows Water, Septage, and Waste Water fee revenue and expenses as three separate budgets, which are each voted separately by Town Meeting. Although the budgets will be combined, none of the fees from Water, Septage and Waste Water will be used to fund any activity other than its intended use and will not be used for other operations. For example, water revenue would not be used to fund road construction or repair. However, it is expected that the Director will have the flexibility to use personnel as needed to address emergencies or other critical situations. The Board will have rate setting responsibility, including water and waste water management rates.

ARGUMENTS IN FAVOR: The establishment of a DPW was proposed by the consulting group, Maximus in January 2002 in their Phase I Report: Analysis of the Organization Structure of the Town. This report eventually became part of Town's Master Plan. Their conclusion was that a DPW would provide a better management structure, including oversight, accountability, budgetary control and risk management, and would provide for better coordination, resource allocation, and a more effective and flexible response to new situations and changing priorities.

The Selectmen established in January 2005 The DPW Assessment Committee, a 9 member committee represented by an appointed board member from the Selectmen, Finance Committee, Personnel Board, Water, Road, Park and Recreation, Health, and Waste Water Management. The DPW Assessment Committee proposed to the Selectmen in the summer of 2007 that a DPW be created.

Also, the Finance Committee in its long term financial plan recommended that a DPW be created to take advantage of potential efficiencies of a combined operation. Wayland is one of a few towns to continue to have separate departments and of note 12 of 14 surrounding peer towns have gone to DPW organizations.

The DPW Assessment Committee identified a number of benefits which could be realized by the creation of a DPW:

1. A better management structure to improve coordination and communication:
    a. Today, there are 6 different organizational structures with 6 different managing boards / commissions / committees consisting of 25 board members managing a total staff of 40. Although it is too early to assume the DPW organizational structure, it will probably consist of two reporting organizations along functional areas of water related functions versus land related activities. Also, there would be only a single 5 person elected board.
    b. It would allow for the full utilization and talent of the Town Administrator with the ability to coordinate activities across all town functions.
    c. Provides for a single DPW budget with the ability to allocate financial resources to priorities and to streamline activities to capture savings.
    d. Purchasing and competitive bidding can be centralized whereas today these activities are handled separately by each organization.
    e. The Personnel Director, which today is an advisory function to the individual boards, would have a direct involvement with the DPW. Many of the labor issues experienced in the past, partially caused by independent boards having direct personnel responsibility, can be diminished by the Personnel Director's direct involvement.

2. A better structure to address long-term planning (operational, facilities and services): The consolidated structure with oversight by the Town Administrator provides an opportunity to plan facilities, fields and other services in a town-wide coordinated effort. Examples of areas where this can provide some benefit: a) over 10 years ago the Town purchased the Paine Estates for recreation and conservation purposes. Although creation of fields were contemplated in the purchase, there is no plan nor has one been elevated to the Selectmen's or other boards' planning priorities; b) a combined highway and park and recreation replacement garage is being considered by the respective boards. However, a new water treatment facility was approved by voters that also included a garage for water operations. Under the current structure there was no coordination or communication to ensure that only one garage could be planned to handle all operations.

3. Opportunities for savings: Although there are some opportunities for savings in the short-term, in the long-term significant savings could be realized:
    a. With a streamlined DPW structure the number of director / supervisory personnel could be reduced which can be realized through retirements and attrition.
    b. Reduction of overtime by managing deployment and scheduling of personnel.
    c. Better utilization of equipment which will avoid redundant purchases. This will ultimately reduce the number of pieces of equipment and reduce the annual debt service expense.
    d. Centralized purchasing and competitive bidding process across multiple functions. For example: today both Septage and Waste Water Management separately contract with the same outside contractor without the benefit of the combined purchase.
    e. Save in legal costs for negotiation and settlement of labor contracts and disputes if the number of bargaining units are reduced.

4. Better and more efficient utilization of resources: A DPW would allow for resources to be applied to immediate needs or seasonal and cyclical demands; overtime can be minimized because schedules could be coordinated and resources could be cross-trained to allow sharing across functions; and, use of vendors would be centralized and consistent across functions.

5. Improved customer service: Centralized administration can coordinate response to citizen requests and expedite emergency response. Citizens will only have one place to call which will be a big benefit especially if several departments are now involved.

ARGUMENTS OPPOSED: The argument most heard is "if the current structure isn't broke, why change it?" Other arguments opposed are:

1. The short-term savings are minimal and don't justify the change in structure.
2. Board oversight would be reduced from 6 boards to one, minimizing citizen involvement.
3. DPW structure would be too large and complex for only one 5-person board to provide proper oversight.
4. Expertise of individual board members will be lost by the elimination of citizen participation.
5. Having the DPW Director reporting to the Town Administrator would be providing too much control to the Selectmen.
6. Concern that fee revenue, such as water, septage and waste water would be used to fund other functional needs and not for what it is intended.
7. The Park and Recreation Commission has voted to be excluded from the DPW. They believe they need full control over P&R resources to ensure their ability to deliver on recreation programs. They cite examples when a field needs immediate attention and they can make one call to get a field mowed or lined.
8. The proposed structure gives too much power to the Selectmen by way of having the Director report to the Town Administrator. However it should be noted that a separate elected DPW board would have oversight responsibility.

RECOMMENDATION: Finance Committee recommends approval. Vote: 7-0.

QUANTUM OF VOTE: 1.) Majority – see Massachusetts Constitution Amendment Article, 2, Section 8(1); 2.) Majority – see Massachusetts General Laws Chapter 40, Section 21 and Chapter 41, Section 108A; 3.) Majority – see Massachusetts General Laws Chapter 40, Section 15A; and 4.) Majority – see Massachusetts General Laws Chapter 40, Section 4A.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendments are consistent with federal and Massachusetts law.

See Appendix B, Appendix C, Appendix D and Appendix E of this warrant. For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

ARTICLE 3: RESOLUTION REGARDING USE OF WATER DEPARTMENT REVENUES

Proposed by: Board of Water Commissioners

To determine whether the Town will vote to adopt the following resolution concerning the use of Water Department Revenues:

BE IT RESOLVED that it is the desire and intent of the Town that all Water Department revenues shall be henceforth used for water purposes only.

FINANCE COMMITTEE COMMENTS: This article, if adopted, would resolve that water revenues should be used only for water uses without the formality of establishing a water enterprise account. The Water Department operates as a separately accounted and reported fund within the

Town's budget. This resolution does not directly impact the delivery of water or service of the water system nor grant additional powers to the entity providing the service.

Wayland's water department was established by state vote and ratified by town meeting vote in April 1878. This allowed the Town to supply water and to fix and collect rents for the use of said water. As early as 1946, a consultant's report stated, "rates…should be adequate to finance additions to the system required by normal growth and by replacement of obsolete components." It was not anticipated that water rates would be set to subsidize other town operations. Rate setting is still done by the governing board, and, as now, rates should support water service and projects.

In April 2005, the town meeting attendants voted to use $500,000 of water reserves to fund the FY2006 budget in a Proposition 2 ½ override year. These funds reimbursed approximately 5 years worth of medical, pension and accounting expenses not previously collected; since 2005, we have included these in the Water Department budget. In effect, using those funds directly reduced the override amount, and, therefore, the tax impact to residents.

ARGUMENTS IN FAVOR: It is thought that stating the intent of keeping water revenues separate will eliminate any potential for a DPW department head to raise water rates to fund other DPW activities. Any increased revenues from higher water rates would not be used to fund other DPW operations.

This resolution maintains the budget flexibility for surplus water revenues to be used to fund town operating budget deficits or to reduce Proposition 2 ½ override amounts. However, it is not the Finance Committee's intent to draw on these revenues to balance the budget. These revenues provide stability to the Town's budget and are not considered part of our long-term plan for financing the operating budget.

This resolution provides a compromise between the present budget structure of the Water Department and that of moving to an enterprise fund. It provides the protection the Water Commissioners seek and the financial flexibility and components of the bond rating that are important to the Finance Committee.

In this scenario, interest income on Water reserves of approximately $100,000 continues to be counted in the Town's revenue estimates.

Water reserves will still be counted towards the Town's free cash as Moody's Investment Services has noted in the past (January 2007).

ARGUMENTS OPPOSED: The Finance Committee is not aware of any.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 6-0.

QUANTUM OF VOTE: Majority.

For more information about this article, contact the Wayland Water Department at (508) 358-3696, or water@wayland.ma.us.

ARTICLE 4: TO ESTABLISH WATER DEPARTMENT ENTERPRISE FUND

Proposed by: Petitioners

To determine whether the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 53F1/2 to establish an enterprise fund for the Water Department and its operation, maintenance and improvement of the water supply system of the Town, effective July 1, 2008.

PETITIONERS' COMMENTS: The only way Wayland can ensure that all water revenues are used only for water purposes is to establish an Enterprise Fund for its water service (see Appendix D, Massachusetts General Laws Chapter 44, §53F1/2)

The Executive Office of Environmental Affairs and Mass DEP recommend that towns do this.

All Massachusetts communities with Aaa bond ratings have water Enterprise Funds or an equivalent, except Wayland.

All peer towns with departments of public works have water Enterprise Funds or an equivalent, except Wayland.

An enterprise fund ensures transparency, accountability, and financial viability.

It provides management and taxpayers with information to measure performance, analyze impact of financial decisions, and determine the cost of providing the service.

According to the Department of Revenue, a town department with an enterprise fund is like every other town department. It prepares a line item budget that is reviewed and analyzed by the Finance Committee. The budget requires town meeting approval.

FINANCE COMMITTEE COMMENTS: This article, if adopted, would create an enterprise fund for the Water Department. The Water Department has operated as a separately accounted and reported fund within the Town's budget, although never formally voted as an enterprise fund. At its heart, establishing an enterprise fund is an accounting and finance decision. It does not directly impact the delivery of water or service of the water system nor grant additional powers to the entity providing the service.

MGL 44, section 53F ½ was enacted in 1986 allowing towns to create enterprise funds. Wayland has two such funds: one for Wastewater operations, one for Septage operations. The purpose of the statute was to give towns the flexibility to account separately for all financial activities associated with a service. By definition, an enterprise fund establishes a separate accounting and financial reporting mechanism for municipal services for which a fee is charged in exchange for those services.

There are three generally recognized reasons to establish an enterprise fund: to demonstrate the total cost of service, to provide useful management information, and to retain investment income and surplus.

- Demonstrate total cost of service: the Town's new accounting system, MUNIS, can segregate, track and report the total cost of water operations service. This was more difficult to do under our previous accounting system and was one reason we purchased MUNIS.

- Provide useful management information: similarly, MUNIS can now provide the management

tools to combine the revenues and costs of providing water

- Retain investment income and surplus: unlike other town services, any surplus would remain in the enterprise fund and not be eligible for inclusion in the reserve balances for general fund use. Today, water reserves of approximately $600,000 are counted toward the town's available cash balance for calculating our bond rating. Investment income on those funds also falls to the Town's general fund.

An enterprise fund would function the same whether or not the Water Department is part of a Department of Public Works (separate article at this STM). Similarly, we could continue to account for water operations separately under either organizational structure.

An enterprise fund does not need to be self-supporting. It may be subsidized by funds from the general fund, but may not contribute to them.

Wayland's water department was established by state vote and ratified by town meeting vote in April 1878. This allowed the Town to supply water and to fix and collect rents for the use of said water. As early as 1946, a consultant's report stated, "rates…should be adequate to finance additions to the system required by normal growth and by replacement of obsolete components." It was not anticipated that water rates would be set to subsidize other town operations. An enterprise fund does not include responsibility for setting water rates. Rate setting is still done by the governing board, and, as now, rates should support water service and projects.

The idea of an enterprise fund was last brought before town meeting voters in April 2005 when it failed to pass. At that same meeting, the town meeting attendants voted to use $500,000 of water reserves to fund the FY2006 budget in a Proposition 2 ½ override year. These funds paid approximately 5 years worth of medical, pension and accounting expenses not previously collected; since 2005, we have included these in the Water Department budget. In effect, using those funds directly reduced the override amount, and, therefore, the tax impact to residents.

If Town Meeting votes to establish an enterprise fund, it must remain in place for at least three years before being reconsidered or terminated by another Town Meeting vote.

ARGUMENTS IN FAVOR: It is thought that keeping water revenues separate in an enterprise fund will eliminate any potential for a DPW department head to raise water rates to fund other DPW activities. Any increased revenues from higher water rates would be held in the enterprise fund and could not legally be used to fund other DPW operations.

Surplus water revenues could not be used to fund town operating budget deficits or to reduce Proposition 2 ½ override amounts, thus protecting water revenues for use on only water related activities.

Moody's Investment Service prefers the use of an enterprise fund for fee based municipal services (in this case, water) to provide transparency of accounting and to ensure that the Town's general fund is not being used to subsidize the revenues from water rates. Also, if the revenues generate surplus income they can be used toward capital projects to support the water operations.

In preparing for the town meeting article in April 2005, a representative of the Massachusetts Department of Environmental Protection stated that the "Department of Environmental Protection encourages all municipal water departments to establish a dedicated enterprise fund and replacement

account for the accrual, management and disbursement of water user fees and charges exclusively for the purposes relating to the operation, maintenance and replacement of the Water System. As to maintain positive cash flow and adequate capital to replace equipment, an emergency cash reserve should be held sufficient to replace the most expensive piece of equipment in the system and be able to support the system for one (1) year's operation and maintenance cost."

If the Town wants to create an enterprise fund, this may be the time to proceed as the Town's free cash levels are stabilizing and are higher than a few years ago. Free cash levels are approaching the minimum range requested by Moody's in January 2007.

ARGUMENTS OPPOSED: There continues to be one primary reason for opposing establishment of a water enterprise fund: Water department surplus reserves or "free cash" are included in the Town's free reserves now, and with an enterprise fund they cannot be used in calculating reserves available to the Town's general fund. Creating a water enterprise fund will remove approximately $600,000 from available resources. Moody's Investment Services, a bond-rating agency, has regularly requested that Wayland increase their cash reserves and demonstrate a plan to contribute regularly. While our bond rating has stayed at AAA, it has been given a negative outlook. We do not know the impact on our bond rating of removing the availability of the water reserves. Given that the Town will soon be considering some of the largest capital projects in our history (high school, library, highway/DPW garage, and funding the majority of the water treatment plant), we should conserve reserves in an attempt to maintain our good bond rating.

Keeping the highest bond rating allows the Town to borrow at a lower rate and results in lower interest expense. A drop to an AA bond rating could result in significantly higher interest expenses to the Town and ultimately the tax payer. For example, our borrowing rate would be about 0.25% higher or cost $50,000 more per $1 million of debt over 20 years. If the total capital projects being considered is $75 million, the additional interest cost of a lower bond rating could be $3.75 million over 20 years.

To offset the impact of removing water department reserves, Town free cash would have to increase which in future budgets might require reduced expenditures or higher revenues.

Interest income on Water reserves and capital funds of approximately $100,000 this year is counted in the Town's FY09 revenue estimates. Creating an enterprise fund eliminates this revenue source and directly increases our anticipated FY09 budget shortfall.

MUNIS, the Town's accounting system, can provide the segregated account reporting to show the true cost of providing water services. This was cumbersome to do with the Town's previous accounting system; MUNIS allows for greater transparency in the budget review process.

Even with an enterprise fund, capital borrowings are done under the Town's name and the Town remains legally responsible for all debt payments.

There is less budget transparency in voting an enterprise fund. The town meeting votes one bottom line number and has no line item budget control.

RECOMMENDATION: The Finance Committee recommends against approval. Vote: 0-7.

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44, Section 53F1/2 (Appendix F).

For more information about this article, contact Patricia Abramson at (508) 358 2138 or email patriciaabramson@comcast.net.

ARTICLE 5: AMEND VOTE UNDER ARTICLE 10 OF THE WARRANT FOR SPECIAL TOWN MEETING HELD ON MAY 3, 2006, AND FUND A PORTION OF THE CONSTRUCTION COSTS OF THE SIXTEEN COMMUNITY HOUSING UNITS AT THE FORMER NIKE SITE

Proposed by: Community Preservation Committee, Board of Selectmen, Nike Site Reuse Advisory Committee, Planning Board, Housing Authority, Housing Partnership

Estimated Cost: $560,000

To determine whether the Town will vote to:

(a) amend its vote under Article 10 of the Warrant for Special Town Meeting held on May 3, 2006 in order to permit the expenditure of $40,000 from the Community Preservation Fund previously authorized for expenditure on certain professional architectural, engineering, site planning and other consulting services related to

(i) the Town's continued development of a site plan and a schematic building design for up to sixteen (16) units of housing at the former Nike site located on Oxbow Road, eleven (11) of which will be sold to households at or below 80% of the area median income and five (5) of which will be sold to households at or below 100% of the area median income (the "Community Housing Units"); and

(ii) the Town's preparation of a comprehensive permit application or a request for proposals that could be sent to prospective developers,

to be used instead to fund a portion of the costs related to the construction of the Community Housing Units on said land; and

(b) appropriate a sum of money to be expended by the Board of Selectmen to fund an additional portion of the costs related to the construction of the Community Housing Units on said land; and to determine whether such appropriation shall be provided by taxation, by transfer from unappropriated funds, by transfer of funds already appropriated for another purpose, by borrowing, or otherwise, provided that the amount of such appropriation provided by transfer from the Community Preservation Fund

(i) shall not exceed $560,000; and

(ii) to the extent funds for such construction provided by sources other than the Town exceed $4,701,844, in the aggregate, (i.e., total estimated development costs shown in Oxbow Partners LLC's application to the Massachusetts Department of Housing and Community Development ("DHCD") dated August 9, 2007 of $5,301,844 ("Total Development Costs") minus maximum CPA funding of $600,000), or to the extent that Total Development Costs are less than $5,301,844, such excess funding or cost savings will reduce, to the extent permitted by DHCD, the amount of funds authorized to be transferred from the Community Preservation Fund.

FINANCE COMMITTEE COMMENTS: At Special Town Meeting in May 2004 ("2004 STM"), approval was given for the acquisition of approximately 13.46 acres of land owned by the United States of America located on Oxbow Road, Wayland, MA (the "Site"). In addition, the Board of Selectmen ("BOS") was authorized to prepare design and development guidelines and pursue a plan for the development by the Town or a not-for-profit or for-profit private developer, of up to sixteen (16) housing units, with a priority given to the development of affordable housing within the meaning

of the Commonwealth of Massachusetts Department of Housing and Community Development's ("DHCD") affordability guidelines.

Approximately 2.75 acres of the Site was acquired from the General Services Administration for $395,000 in March 2005 and the remaining 10.71 acres was acquired from the National Park Service at no cost in May 2005. The housing site acquisition was funded with Community Preservation Act funds ("CPA Funds"), which funding was approved by the Community Preservation Committee ("CPC") prior to the 2004 STM approval to expend such funds.

Below is a summary of the sources and uses of funds that have been appropriated for the Site to date;

Sources of Funds:	
Special Town Meeting, November, 2003 (CPA Funds)	$35,000
Special Town Meeting, May, 2004 (CPA Funds)	$600,000
Special Town Meeting, May, 2006 (CPA Funds)	$40,000
DHCD Priority Development Fund Grants	$35,000
TOTAL SOURCES	$710,000
Uses of Funds:	
Site Acquisition Due Diligence	$35,000
Site Acquisition	$395,000
Site Demolition and Asbestos Removal	$156,000
Professional Services and Permits	$63,000
Balance of Unexpended Funds	$61,000
TOTAL USES	$710,000

In November 2006, the BOS reviewed seven proposals received from qualified developers all of whom presented designs for the proposed housing that were intended to comply with the Town's stringent design and development guidelines. These guidelines were intended to ensure a high level of quality and a finished product that would fit with the character of the surrounding neighborhoods. On November 27, 2006, the BOS voted to designate Oxbow Partners as the developer of the proposed housing.

Based on the preliminary cost estimates supplied by Oxbow Partners in November 2006 it appeared as if there would be an approximately $400,000 shortfall or "gap" between the cost to construct the housing and the funds expected to be provided by the qualifying purchasers of the housing units and various state grants. This funding gap was not foreseen at the 2004 STM and is largely attributable to (i) increased costs associated with satisfying the Town's stringent design and development guidelines, (ii) increased costs for the design and development of a specialized septic system given the housing parcel's location within a Zone II, and (iii) general construction cost inflation which was inadvertently not included in the projections prepared for the Town by its state-funded financial analyst in 2004. The potential funding gap first identified in late 2006 increased by approximately $200,000 to $600,000 between November 2006 and August 2007 due primarily to rapidly escalating interest rates. The increase in interest rates necessitated a reduction in the assumed sale prices of the housing units since the allowable sales prices are directly tied to the qualifying homeowner's monthly mortgage cost determined as a percentage of such homeowner's income.

While the BOS, the NSRAC and Oxbow Partners continue to look for other sources of funding and explore ways in which to reduce the overall cost of the proposed housing without sacrificing the

quality of such housing, a solution has thus far proven to be elusive. As a result, the BOS asked the CPC to consider approving the expenditure of up to an additional $600,000 of CPA funds to cover the gap so that the housing development can move forward as planned assuming DHCD approves Oxbow Partners' application for approximately $1.5 million in housing-related grants. A decision by DHCD on the funding grants is expected sometime in November 2007.

On August 29, 2007 the CPC voted unanimously (6-0) to approve the expenditure of the additional $600,000 to fund the development gap. If approved at Town Meeting, these funds cannot be expended until the BOS is satisfied that all state funds have been awarded and permits to construct the housing have been received.

ARGUMENTS IN FAVOR: Assuming the requested funds are approved, the Town's total investment in the Nike site housing will amount to approximately $62,500 per unit (50% of which will have been provided by the Commonwealth's matching funds), well below the $78,000 average investment per unit made by other CPA communities between FY 2002 and FY 2006.

This is a good investment for the Town as its funds will be leveraging a significant amount of additional state and federal resources to advance the Town's commitment to the development of affordable housing in Wayland. To achieve the same number of "qualifying" affordable units in a more traditional 40B project, the Town would have to accept a development with a total of 44 units, only 25% of which would be set aside as affordable units, along with the added infrastructure and school related costs that would accompany the additional 33 market-rate units;

The Town is required to spend at least 10% of the CPA Fund on the development and preservation of community housing and may spend additional CPA funds on housing at the discretion of the CPC and Town Meeting. Furthermore, these funds already have been collected and the state matching funds received. There would be no increase in the tax rate or burden on the Town's operating budget if this request for CPA funds is approved.

The Town is able to control the development of this project through a set of stringent design and development guidelines and the Land Disposition Agreement governing the transfer of the 2.75 acre housing parcel to Oxbow Partners. This control has allowed the Town to respond to many of the concerns expressed by neighbors of the proposed project.

This project is consistent with the Town's Master Plan which sets forth the Town's commitment to creating and providing alternative housing opportunities.

The Town will be creating a project that will serve as an example of how local government, state government, a private developer and many volunteers can work together to produce high-quality housing at an affordable cost for the many prospective homeowners who dream of living in a community such as Wayland.

ARGUMENTS OPPOSED: In May 2004, the supporters of developing affordable housing on a portion of the Site told Town Meeting that no additional Town funds would be needed beyond the acquisition cost of the 2.75 acre parcel of land. Had the attendees at the 2004 STM known that an additional $600,000 might be needed, perhaps the vote supporting the acquisition of the housing parcel would have been different.

There are still unknowns about the project's finances, including whether or not the state grants will be approved, the impact of further increases of interest rates and inflation in construction costs, and the

marketability of the units in the current housing environment. Adverse impacts from any one or more of these could lead to further requests for Town financial support.

In addition to the up to $600,000 of additional CPA funds for the Community Housing parcel, it is currently estimated that it could cost up to an additional $100,000 to $150,000 to fill the missile silos which are located beneath the passive and active recreation parcel and to pay for the removal of the fencing around the perimeter of the Town owned recreation parcel. If alternative funds are not available, the BOS anticipates a further request to the CPC and the Town to complete this work. If all these costs are fully funded, it will result in the expenditure of approximately $1.35 million of CPA funds for the entire Nike reuse project (approximately $1 million for the Community Housing and $350,000 for the cleanup of the Site). This may seem to some as too large a percentage of the CPA fund to be dedicated to a single project.

Developing an all-affordable housing project that requires a significant additional Town subsidy could be avoided if a more traditional 40B development was pursued with the "market" rate units subsidizing the affordable units. Pursuing this strategy might also allow the density of the proposed development to be scaled down thereby having less impact on the Town's infrastructure and local traffic.

RECOMMENDATION: The Finance Committee recommends approval of this article. Vote: 5-0-1

QUANTUM OF VOTE: (a) Majority; (b) Majority – see Massachusetts General Laws Chapter 40, Section 5, and Chapter 44, Section 33B. For borrowing, two-thirds – see Massachusetts General Laws Chapter 44, Section 7.

For more information about this article, contact Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net, or Brian O'Herlihy, Nike Site Reuse Advisory Committee, at btoherlihy@verizon.net.

ARTICLE 6: SET ASIDE COMMUNITY PRESERVATION FUNDS FOR LATER SPENDING ON OPEN SPACE

Proposed by: Community Preservation Committee, Conservation Commission *Estimated Cost: $900,000.00*

To determine whether the Town will vote to set aside for later spending $900,000.00 from the Community Preservation Fund for the future acquisition, creation, and preservation of open space, pursuant to Massachusetts General Laws Chapter 44B, Section 5.

FINANCE COMMITTEE COMMENTS: The Community Preservation Act (CPA) was signed into law by the State of Massachusetts on September 14, 2000 and became effective 90 days later on December 13, 2000. The Town of Wayland approved adoption of the CPA and a CPA surcharge in the amount of 1.5% of annual tax payments during the April 2001 Town Meeting.

The CPA enables communities to levy a property tax surcharge on real property for the purpose of creating a community preservation fund and qualifying for state matching funds. This property tax surcharge is calculated and based upon a homeowner's tax payments and not upon assessed valuation. The CPA also establishes a Community Preservation Committee (CPC) that makes recommendations on how the money shall be spent. Town Meeting may appropriate amounts in the Community Preservation Fund for purposes and amounts not greater than amounts recommended by the CPC.

Each fiscal year, upon recommendation of the CPC, Wayland must set aside for future spending, the following share of annual Community Preservation Fund revenues:

1) 10% for open space
2) 10% for historic resources
3) 10% for community housing

Once these allocations are met, the CPC recommends how the remaining 70 percent of annual CPA revenues are to be divided among the three purposes including recreational usage within the statuary definition of open space. Recreational purposes may include land for active or passive recreational use including, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field.

As of June 30, 2007, the Wayland CPA fund had a total balance of $4.6M with $715,000 reserved for open space, $439,000 reserved for historic resources and $50,000 reserved for community housing. Previously committed expenses, but not yet paid, totaled $692,000 leaving a remaining unreserved balance of $2.7M.

This article would approve the specific set aside of $900,000 of the unreserved portion of Wayland CPA funds for acquisition, preservation and creation of open space.

The Community Preservation Committee voted 6-0 in favor of this warrant article.

ARGUMENTS IN FAVOR: This $900,000 set aside for open space will ensure that the town continues to balance the needs of housing, open space and historic preservation in the spirit of what the Community Preservation Act was enacted for. Total CPC funds reserved for open space will total $1,615,000 with approval of this article.

ARGUMENTS OPPOSED: The Community Preservation Committee should have the flexibility to allocate funds based upon a specific request. Since there is no current request to purchase open space at this time, there is no need to segment these funds.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 44B, Section 5(d).

For more information about this article, contact Jerome Heller, Chairman of the Community Preservation Committee, at heller.j@comcast.net..

ARTICLE 7: ACCEPT SNOW STORAGE EASEMENT FROM GILBERTS

Proposed by: Board of Road Commissioners

To determine whether the Town will vote to accept, as a gift, a snow storage easement from Barry Gilbert and Larisa Belisle Gilbert located off the end of Brackett Road and shown as "Snow Storage Easement" shown on a plan entitled "Plan of Land in Wayland, Massachusetts," prepared by Sullivan, Connors and Associates, Land Surveying and Civil Engineering, dated July 16, 2006, and revised through December 15, 2006, and recorded with the Middlesex South Registry of Deeds as Plan No. 547 of 2007 (Sheet 2 of 2) , which easement shall be held in the care, custody, management and control of the Board of Road Commissioners or its successor.

FINANCE COMMITTEE COMMENTS: The purpose of this easement is for the placement and storage by the Town of Wayland, but not the public, of snow and ice plowed from Brackett Road only

and access by motor vehicles, snow plowing and removal equipment or on foot as necessary to dispose of that snow and ice. This easement was given for no consideration, as a gift, grant to the Town of Wayland

ARGUMENTS IN FAVOR: This is legal notice to add a necessary easement to support a town need of snow removal and storage. The Town has no maintenance obligations and no additional expenses of the right to use. Since the underlying land remains on the tax rolls, there is no tax loss.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0

QUANTUM OF VOTE: Majority.

See Map at Appendix G. For more information about this article, contact Stephen Kadlik, Director of Highway Operations, at skadlik@wayland.ma.us.

ARTICLE 8: COMMUNITY PRESERVATION ACT SURCHARGE ABATEMENT APPLICATION FILING DEADLINE

Proposed by: Board of Assessors

To determine whether the Town will vote to amend the Code of the Town of Wayland by adding the following new paragraph to §19-8 of the Code of the Town of Wayland:

F. **Community Preservation Act Surcharge Abatements.** Applications for abatement from the Community Preservation Act surcharge must be filed with the Office of the Board of Assessors no later than thirty (30) days after the issuance of the actual real estate tax bill.

FINANCE COMMITTEE COMMENTS: The Community Preservation Act (CPA) was approved at Town elections and Town Meeting in April of 2001. The Act allows for abatements of the CPA surcharge to qualified homeowners as determined by the Massachusetts Department of Revenue. The original state legislation did not include an annual deadline for abatement filings. This article would establish an annual filing deadline for CPA surcharges that is consistent with the current real estate tax abatement deadline.

Last year, 73 CPA abatement applications were filed with the Assessors.

ARGUMENTS IN FAVOR: The Massachusetts Department of Revenue has suggested to the Board of Assessors that a deadline should be adopted on the Town level. Since many of the same qualified households file for real estate abatements and CPA surcharge abatements, it would be logical and consistent to have the same filing deadline. Additionally, both abatements are based on the same assessed value of real estate.

The deadline would also allow the Town Finance Director to better estimate the anticipated CPA abatement amount.

ARGUMENTS OPPOSED: An eligible household that has not filed past CPA surcharge abatements would be barred from filing if this article is approved and subsequently reviewed and approved by the Attorney General's office.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 7-0

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with federal and Massachusetts law.

For more information about this article, contact Molly Reed, Assistant Assessor, at (508) 358-3788, or mreed@wayland.ma.us.

ARTICLE 9: REVISE LICENSE FEE FOR TRANSIENT VENDORS

Proposed by: Board of Selectmen

To determine whether the Town will vote to amend § 149-3 of the Code of the Town of Wayland by making the following revisions thereto:
[Key to revisions: ~~strikethrough~~ = deletions; underlining = additions]

149-3. Issuance of License

Upon approval of said application, the Chief of Police shall, within 10 days, excepting Saturday, Sunday and legal holidays, issue to said person a license in the form of a badge or identification card showing the name and a photograph of the licensee authorizing him/her to do business as described and approved in his/her application subject to the bylaws of the Town of Wayland and the Commonwealth of Massachusetts. The fee for such a license shall be ~~$10~~ established by the Board of Selectmen pursuant to Massachusetts General Laws Chapter 40, Section 22F, and it shall expire 90 days from the date of issuance or on the day of its surrender of revocation or of the filing of a report with the Police Department concerning is loss. Said license shall be the property of the Town of Wayland and shall be surrendered to the Chief of Police or his/her agents upon revocation.

FINANCE COMMITTEE COMMENTS: Wayland Police Chief Robert Irving has requested that the Town consider an amendment to By-Law 149-3 of the Code of the Town of Wayland that would allow the license fee for commercial door to door solicitors to be increased. The current By-Law was approved in 1992. A fee of $10 was established at that time. If approved, the generic language will allow the fee to be adjusted in the future without the necessity of a town meeting vote. Chief Irving plans on requesting an increase from the current $10 if the article is affirmed, subject to the approval of the Selectmen.

Each person who solicits door to door for commercial purposes is required to fill out an application. Next, the Police Department performs a criminal background check. If acceptable, the solicitor is then fingerprinted, photographed, and issued an identification card by the police department.

ARGUMENTS IN FAVOR: The proposed By-Law change will allow for an appropriate fee to be charged to cover the police department time and expense to process commercial solicitor permits.

ARGUMENTS OPPOSED: The Finance Committee is not aware of any arguments opposed.

RECOMMENDATION: The Finance Committee recommends approval. Vote: 5-0

QUANTUM OF VOTE: Majority – see Massachusetts General Laws Chapter 40, Section 21.

CONSISTENCY WITH LAW: It is the opinion of Town Counsel that the foregoing by-law amendment is consistent with federal and Massachusetts law.

For more information about this article, contact Fred Turkington, Town Administrator, at (508) 358-3620, or email fturkington@wayland.ma.us.

APPENDIX A

THE MODERATOR'S RULES AND REGULATIONS
GOVERNING WAYLAND'S TOWN MEETINGS

The following information may help you to participate fully in Wayland's town meetings, which have been held each year since 1639:

I. The Warrant

This booklet, which includes the Warrant for Wayland's Town Meeting, was compiled by the Selectmen and served upon all residents by mail and by posting on the Town's signboards, at the Town Building, the Library at Wayland Center, the Cochituate Fire Station or the Cochituate Post Office and the Happy Hollow School. It contains the agenda of the subjects to be acted upon (articles), including the omnibus budget proposed, if this is an annual meeting, the report and recommendations of the Finance Committee upon each article and additional information concerning the finances and administration of the Town to help us formulate our votes.

No action of this Town Meeting will be valid unless it shall have been taken under an article set forth in the Warrant.

Each article will be considered in the order in which it appears on the Warrant, unless the meeting shall have voted to do otherwise by a two-thirds vote.

II. The Voters

A. All residents of Wayland, who have been duly registered as voters, are urged to attend, participate, debate and vote at all annual and special town meetings subject to laws of the Commonwealth of Massachusetts, the By-Laws of the Town and these rules and regulations.

B. All other persons, including members of the press, may attend and observe Wayland's town meetings so long as they remain seated in the special section reserved for non-residents, unless the Moderator shall have authorized them to sit among the registered voters. And see paragraph IV.B.3 below.

C. A registered voter may bring his or her child(ren) to sit among the voters so long as the child(ren) sit(s) quietly beside his or her parent at all times.

III. The Moderator

The Moderator is elected by ballot for a three year term at the annual election of town officers to preside at all Town meetings during his or her term of office and is authorized by state law to regulate the proceedings, decide all questions of order and make public declaration of all votes, subject to the By-laws that Wayland has enacted to regulate the proceedings of town meetings. All rulings of the Moderator are final.

IV. The Meeting

A. The Call to Order

1. The Moderator will call each session of town meeting to order at 7:30 p.m., or as soon thereafter as the Town Clerk has determined that a quorum of one hundred registered voters has been

checked into the hall.

2. The Moderator will announce the number of each article about to be considered and invite a motion thereunder; the Moderator will omit the reading of the articles, unless a MAJORITY of the meeting shall vote otherwise.

B. To Address the Town Meeting

1. No person may address a town meeting until and unless he or she shall have been recognized by the Moderator. All persons shall, at the request of the Moderator, be silent.

2. All persons, who wish to be recognized, shall approach one of the three microphones placed at the front of the room, which most closely reflects the purpose for which they seek recognition:

a. The Procedural Microphone (in the middle) will be available to those who have been recognized by the Moderator and wish to offer:

1) The main motion under the article being considered and a presentation in support thereof;

2) The principal presentation in opposition to the main motion. See paragraph IV.C.2.a below;

3) An amendment to a main motion;

4) A question seeking information or guidance from the Moderator as to procedure, including a point of order;

5) An answer to a question seeking information; and

6) A point of order or procedural motion, such as:

a) a motion to terminate debate;

b) a motion challenging the Moderator's declaration of a vote;

c) a motion questioning the presence of a quorum; and

d) a motion to adjourn.

b. The "Pro" Microphone will be available to those persons recognized by the Moderator who wish to speak in support of a motion on the floor.

c. The "Con" Microphone will be available to those persons recognized by the Moderator who wish to speak in opposition to a motion on the floor.

The Moderator will normally recognize those persons, who are standing behind or seated near

each microphone in a single file, in the order of their entry into that file, alternating between the Pro and the Con mikes; but reserves the right to recognize any person at any time, including a person who has not approached a mike, a person who is handicapped or a person who has risen to a point of order. Any person whose remarks are not consistent with the purpose of the microphone that he has been permitted to use, shall yield the floor upon request of the Moderator.

3. If a person, who has not registered to vote, seeks permission to address the meeting, the Moderator will ask whether there are any objections. If there are any, he will immediately call for a voice vote. If the majority shall vote to hear the non-resident, the Moderator will give him/her the floor.

C. The Debate

1. When you have been recognized by the Moderator, address the Chair as follows: "Mr. Moderator, I am (Name) of (Street Address)." Then proceed as follows:

a. "I move that . . .";

b. "May I ask you . . ."; or
"May I ask through you (then state the question which you want a board, official, or previous speaker to answer);

c. "I rise to a point of order"; or

2. Once you have been recognized, you may offer any motion, amendment, argument, comment, suggestion or question relevant to the article then under consideration, unless the Moderator shall have authorized debate or invited comments upon subjects not listed in the Warrant; but

a. Any person who wishes to offer the principal presentation in support of, or in opposition to, the main motion under an article, must so notify the Moderator and complete the same within ten minutes, or less, and yield the floor. A light will warn you to conclude your remarks and yield the floor during the following minute.

b. All other persons who wish to address the Town Meeting shall, when recognized, complete their remarks in three minutes, or less, and yield the floor. The same one minute warning light will be turned on when you have used up the first two minutes.

c. You may be interrupted only by a question of privilege, a point of order, a request that you speak more distinctly or by the Moderator.

d. When you have completed your motion, question, or remarks, you relinquish your claim to the floor; and you must yield the floor upon request of the Moderator.

3. If you have a question concerning the legality or propriety of the proceedings, you may approach the Procedural Microphone and address the Moderator without waiting to be recognized, saying: "Mr. Moderator, I rise to a point of order." When you have been recognized, you must state the reason for your point, which may include that a motion is beyond the scope of the article under consideration, that the person who has the floor is not addressing the merits of the motion or that a quorum is not present. The Moderator will then rule on the point and his ruling is final.

4. If you wish to offer a motion within the scope of the article under consideration, follow the procedure outlined under paragraph IV. B and C above.

a. If your motion is the main motion, you must then declare that it is identical word-for-word with the substantive portion of the article printed in the warrant which is then under consideration, or describe all of the substantive differences in wording between the article and the motion; otherwise the Moderator will permit no debate or action upon your motion.

b. If you plan to offer a main motion that contains more than twenty-five words and differs significantly from the article printed in the Warrant, you must first print and distribute a copy thereof to those attending the session of town meeting at which said motion is presented.

c. No motion or amendment of a motion that exceeds ten words in length will be accepted, unless it shall have been offered to the Moderator in writing.

d. A motion that is not identical word-for-word with the substantive portion of the article printed in the warrant then under consideration will not be accepted, unless the Moderator shall determine that said motion is within the scope of the article; i.e., that it does not change the substantial character of the proposal described in that article or would not further restrict, if passed, the liberties of the residents of Wayland than the proposal set forth in the article.

e. The Moderator will accept no motion proposing a layout, taking, purchase, sale, lease or rezoning of land, unless the article under which the motion is offered contains a running description of the land in question, a description by metes and bounds or a reference to a plan suitable for recording that is available for public inspection at the office of the Town Clerk, the Town Surveyor, the Planning Board or another place to which the public has access during normal business hours.

f. The Moderator will accept no motion to appropriate and/or expend a sum of money, which exceeds the estimated cost set forth in the article then under consideration by fifteen (15%) percent, except for motions under the omnibus budget article and motions under a supplementary budget article that contemplates the appropriation of additional money for the current fiscal year to augment moneys previously appropriated and proposes to fund such appropriations by transfer from unappropriated funds, funds appropriated for another purpose or from funds received by the Town as grants or gifts.

g. The Moderator may rule on your motion, even if no one has risen to challenge that motion by way of a point of order.

5. You will not be recognized to speak on the merits of a motion if you have already spoken three times on its merits, but you may be recognized to answer a question put by another or to raise a procedural issue with respect to that motion.

6. Wayland's practice with respect to some common subsidiary motions is generally as follows:

a. You may amend a motion by moving to add and/or delete words to and/or from the main motion or by substituting a new motion therefor; but the Moderator permits no more than two amendments to a main motion *at a time*. A motion to amend is debatable and requires only a MAJORITY vote, even though the main motion may require a TWO-THIRDS vote.

b. You may move to refer a matter for further study, if your motion identifies the official or committee who shall conduct such study, how it shall report, when and to whom. In the event that you wish to establish a new committee for this purpose, the motion must specify the number of members who shall serve and who shall appoint them. A motion to refer is debatable and may be amended and requires a MAJORITY vote.

c. You may move to advance or postpone consideration of an article listed in the Warrant. Such a motion is debatable, may be amended and requires a TWO-THIRDS vote.

d. You may move to lay an article on the table ("table"). Such a motion is NOT debatable or amendable and requires a TWO-THIRDS vote. A motion to remove such article from the table is also NOT debatable or amendable and requires a TWO-THIRDS vote.

e. You may ask the Meeting to take no action under an article by moving "that the article be passed over." Such a motion may be deemed a substitute for the main motion, is debatable, may not be amended, requires a MAJORITY vote and serves to dispose of the article under consideration.

7. Upon the expiration of sixty minutes after the main motion under any article shall have been seconded, the Moderator will terminate debate thereon, unless the Town Meeting shall have voted to extend the time available for further debate. The time needed to count the vote(s) upon the motion(s) under the article will not be included in the sixty minutes. The aforesaid sixty minute limit does not apply to debate under the omnibus budget article.

8. Although the Moderator has absolute authority to regulate the proceedings at town meetings, debate under a motion can be terminated by a TWO-THIRDS vote of the Town Meeting. Therefore, if you believe that debate under a motion has gone on long enough, approach the Procedural Microphone, and, when you have been recognized, "move the previous question". If your motion receives a second, the Moderator will ask if anyone, who has not spoken to the motion under consideration, wishes to be recognized. If no one expresses such a wish by raising his or her hand, the Moderator will immediately terminate debate and take a vote upon your motion without permitting any amendment; but if one or more persons, who have not spoken to said motion, raise their hand, the Moderator may, but need not, defer the termination of debate for a reasonable time to permit both sides of the issue to be heard. If a motion to terminate debate carries by a TWO-THIRDS vote, the Moderator will put the previous motion under consideration to a vote without further debate; but if said motion does not carry by a TWO-THIRDS vote, the Moderator will permit debate to continue.

9. If you wish to adjourn a session of the Town Meeting before all of the articles have been disposed of, you must specify the date and time when the Meeting shall resume. Such motion may be made at any time, is debatable, may be amended and requires a MAJORITY vote.

10. 10. If an article of the Warrant has once been acted upon and disposed of, a motion to return to the article may be made at any time *if the person offering the motion discloses significant new information to the Meeting concerning said article, which had not been disclosed or made available to the Meeting when the motion under that article was debated; provided, however, that* debate and action on said motion shall be deferred until all other articles shall have been disposed of and shall occur in the numerical order of each such article. In any event, a motion to reconsider is debatable, may not be amended and requires a TWO-THIRDS vote, unless it shall have been made before the article has been disposed of; in which event it requires a vote equal to the quantum of the vote that was required to pass the motion under the article to be reconsidered. If such motion carries, the Moderator will ask whether there is a new motion under the article to be reconsidered.

D. The Vote

Before calling for a vote, the Moderator will usually repeat the motion under consideration (as the same may have been amended), unless it is substantially identical to the article:

1. The Moderator will then ask all those in favor to say, "Aye". He will then invite those opposed to say, "No". If the Moderator is in doubt as to whether the motion has carried, he or she may call for another voice vote; or may ask those in favor to stand, before he asks those opposed to stand. Sometimes, the Moderator will reverse this procedure before declaring the vote.

2. If the Moderator is still in doubt, or if seven or more voters have immediately questioned his declaration of such vote, he will call for the tellers to help him take a standing counted vote -- two tellers for each section of the hall so that they may check each other's results. The Moderator will then repeat the motion and say, "All those in favor will rise and remain standing until counted." When the count has been completed, the Moderator will ask those who are opposed to stand and be counted. As soon as each team of tellers has agreed upon the count in their section, they will be asked to report their portion of the vote from the Procedural Microphone. When all of the tellers have reported, the Moderator will declare the vote and his declaration is final.

3. In the event that the law requires a vote of TWO-THIRDS or more to carry a motion, the Moderator will normally ask whether there is unanimous support for the motion; but if there is not such support, he will take a standing counted vote.

4. If a TWO-THIRDS vote is required to carry a subsidiary or procedural motion, such as a motion to terminate debate ("move the previous question"), the Moderator need not take a count, even though the voice vote upon such motion was not unanimous, if the Moderator shall have perceived that more than TWO-THIRDS of the voters voted in the affirmative. The Moderator shall then declare that such motion has carried and the Clerk shall record such declaration together with a note that there was "a scattering of nos."

5. In the event that there is a large number of voters in the hall and the Town Clerk shall have provided ballots and ballot counting machines (ballot machines) for the occasion, the Moderator may designate one or more such machines to receive "yes" votes and a number of machines to receive "no" votes and arrange to have them placed near the "pro" and "con" microphones respectively. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of the voters to the location of the pro and con machines. The voters will then rise and proceed row-by-row to the machine of their choice. A Teller will stamp the back of each voter's hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then deposit in the ballot machine. In order to assure the security of all

ballots:

a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.

b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final."

6. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot, the Moderator will ask the Tellers to come forward and take their places at the ballot boxes that will be placed at the front of the Hall by the Town Clerk. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot box. The voters will then rise and proceed row-by-row to their box, tear their ballots into two parts, deposit one half in the box, the other half in the discard box and return to their seat. In order to assure the security of all secret ballots:

a. No one will be allowed to vote without a ballot which bears the color announced by the Moderator.

b. No one will be permitted to cast a ballot until he or she shall have discarded the other half of the ballot into the discard box in the custody of the Teller.

c. No one will be permitted to leave the hall until after the meeting has adjourned, unless he or she shall have turned all of the ballots that have not actually been used during a vote to the Checkers at the door.

When all of the ballots shall have been cast, the Tellers will open the ballot boxes and count the ballots at the tables situated at the front of the Hall in front of the podium.

The Moderator will then ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When the Tellers have completed their count, they shall report their count to the Moderator, the Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final.

The Moderator will then ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the secret ballot has been taken.

7. In the event that a majority shall have voted that the vote on a particular motion shall be by secret ballot, the Moderator may, in the alternative, ask the Tellers to come forward and take their places at the ballot counting machines (ballot machines), which shall have been placed in voting booths by the Town Clerk at the front of the hall behind the Moderator. The Moderator will then announce the color of the ballot that will be cast upon the main motion and direct the attention of each section of voters to their respective ballot machine. The voters will then rise and proceed row-by-row to their respective machine. A Teller will

stamp the back of each voter's hand upon arrival at the ballot machine and hand him or her a ballot, which the voter will then mark in the privacy of the voting booth and deposit in the ballot machine. In order to assure the security of all secret ballots:

a. No one will be allowed to vote without a ballot, which bears the color announced by the Moderator.

b. No one will be permitted to cast a ballot if his or her hand does not bear the stamp of a Teller.

During the course of the aforesaid proceedings, the Moderator may ask for the consent of the meeting (a two-thirds [2/3] vote is required) to proceed to consideration of another Article. When he is ready to declare the vote, the Moderator will ask for the consent of the meeting to return to the Article (a 2/3 vote is required) under which the ballot shall have been taken.

When all of the ballots shall have been cast, the Tellers will extract from each ballot machine the tape that shows the number of votes cast in favor and the number of votes cast in opposition to the motion and hand the same to the Moderator. The Moderator will declare the vote upon disposition of the Article then under debate. The declaration of the Moderator is final."

E. Adjournment

1. Each session of a Town Meeting shall be adjourned by the Moderator (a) at 10:30 p.m., or as soon thereafter as the Meeting has disposed of the article then under consideration or postponed action thereunder, or (b) voted to adjourn at a different time.

2. No motion to dissolve the Town Meeting (to adjourn *sine die*) is in order until every article shall have been duly considered, acted upon and declared as disposed of.

V. Questions

In the event that you have a question concerning the conduct of the meeting or the status of any motion being considered, you are invited to approach the Procedural Microphone and to address your question to the Moderator as soon as you have been recognized.

VI. MISCELLANEOUS RULES

The Moderator has determined that the Field House at Wayland High School and all other venues that may be used to conduct Wayland's town meetings are polling places within the meaning of G.L. c. 54, sec. 65 because, among other things, the voters in town meeting assembled elect a number of town officers there each year.

Accordingly, no person shall be allowed to collect signatures upon petitions, referendum petitions or nomination papers nor may any person post, exhibit, circulate or distribute any poster, card, placard, handbill, broadside, picture, graphic, circular or other document intended to inform and/or influence the action of any voter within one hundred fifty feet of the Field House including the interior thereof.

Residents of the Town of Wayland may, nevertheless, with the prior permission of the Moderator, place and/or post documents intended and designed to inform and influence the action of voters at town meetings on the tables and wooden walls located behind and on either side of the tables occupied by the checkers at the entrance of the Field House and each other venue where town meetings are conducted, so long as said documents are germane to any of the articles set forth in the warrant.

The Selectmen, the Chief of Police and the Chief of the Fire Department and other town

officers and employees may also be permitted by the Moderator to post and place documents pertaining to the safety of the public in the aforesaid locations.

Thank you for joining us tonight to do the Town's business.

C. Peter R. Gossels, Moderator
September 10, 2007

APPENDIX B
NON-UNION WAGE SCALE, N SCHEDULE

Effective 7/1/06 (No wage adjustment)

Grade	1	2	3	4	5
N-1	31,721	32,673	33,654	34,664	35,702
N-2	34,517	35,552	36,619	37,718	38,850
N-3	37,560	38,686	39,847	41,041	42,274
N-4	41,239	42,477	43,751	45,063	46,416
N-5	45,281	46,640	48,039	49,480	50,964
N-6	49,719	51,211	52,746	54,329	55,959
N-7	54,592	56,230	57,915	59,654	61,442
N-8	58,696	60,218	61,794	63,534	65,441
N-9	65,817	67,791	69,824	71,919	74,513
N-10	72,265	74,434	76,667	78,967	81,335
N-11	79,348	81,727	84,179	86,705	89,307
N-12	87,124	89,737	92,430	95,203	98,058
N-13	--	--	--	--	--

Grade	6	7	8	9	10
N-1	36,773	37,877	39,013	40,183	41,390
N-2	40,015	41,215	42,451	43,725	45,037
N-3	43,542	44,438	46,193	47,578	49,006
N-4	47,808	48,982	50,720	52,241	53,809
N-5	51,964	54,068	55,691	57,361	59,082
N-6	57,638	59,367	61,147	62,983	64,871
N-7	63,287	65,184	67,141	69,154	71,229
N-8	67,404	69,425	71,508	73,631	75,808
N-9	75,926	78,588	81,586	83,000	85,874
N-10	83,775	86,288	88,878	91,543	94,291
N-11	91,986	94,745	98,686	100,514	103,822
N-12	101,001	104,030	106,701	110,365	113,678
N-13	--	--	--	--	120,000

N-1 Secretary, Fire – PT
N-1 Sr Clerk, Health – PT
N-1 Sr Clerk, Landfill – PT

N-2 Administrative Asst – Y/S PT
N-2 Administrative Asst – Police
N-2 Computer Technician
N-2 Human Resources Assistant
N-2 Outreach Coordinator – PT
N-2 Recreation Program Asst – PT

N-4 Exec Asst to Town Administrator

N-8 Police Lieutenant

N-9 Highway Director
N-9 Water Superintendent
N-9 Library Director
N-9 Park & Recreation Director

N-10 Asst Town Administrator/Human Resources Director
N-10 Public Buildings Director

N-11 Fire Chief
N-11 Finance Director/Town Accountant
N-11 Public Works Director

N-12 Police Chief

N-13 Town Administrator

APPENDIX C
STATUTORY POWERS AND RESPONSIBILITIES TO BE TRANSFERRED TO BOARD OF PUBLIC WORKS

BOARD, COMMITTEE OR OFFICIAL	POWER OR RESPONSIBILITY	STATUTE OR ACT
Cemetery Commission	Care, superintendence and management of all public burial grounds.	M.G.L. c. 114, §23
	Lay out of existing public burial grounds or any land acquired by the Town for cemeteries in lots or subdivisions, with paths and avenues.	
	Plant, embellish, ornament and fence public cemeteries.	
	Erect suitable buildings and conveniences and make such improvements as it deems convenient in public cemeteries.	
	Adopt regulations, subject to town meeting approval.	
	Convey by deed burial rights in cemetery lots and the right to erect tombs, cenotaphs and other monuments.	M.G.L. c. 114, §24
Park Commissioners	Acquire land for parks by purchase, gift, devise, eminent domain or otherwise, subject to town meeting approval.	M.G.L. c. 45, §3
	Connect any public park or way, under their control, with any part of the town for which they are appointed by taking over any connecting ways or part the ways leading to such park and accept and add to such park any way or part thereof adjoining and parallel with any boundary line of the park, with the consent of the town authority having control of such way, and the written consent of a majority of the landowners abutting the way.	M.G.L. c. 45, §4
	Lay out and improve public parks.	M.G.L. c. 45, §5
	Make rules for the use and government of public parks.	
	Appoint engineers, surveyors, clerks and other officers, including a police force to act in public parks, define their powers and duties and fix their compensation.	M.G.L. c. 45, §5
	The statutory authority of selectmen and road commissioners relative to the removal of obstructions and snow from ways and tree wardens relative to tree cutting and removals in public parks.	
	Appoint one of its members as a member of the Community Preservation Committee.	M.G.L. c. 44B, §5(a)

BOARD, COMMITTEE OR OFFICIAL	POWER OR RESPONSIBILITY	STATUTE OR ACT
Road Commissioners	Have the powers, perform the duties and be subject to the liabilities and penalties of selectmen and surveyors of highways relative to public ways, monuments at the termini and angles thereof, guide posts, sidewalks and shade trees.	M.G.L. c. 41, §64
	Relocate or alter town ways and private ways.	M.G.L. c. 82, §21
	Order specific repairs to be made upon town ways.	
	Purchase or select and lay out land within the town, not appropriated to public uses or owned by any other town, from which may be taken materials necessary for the construction, repair or improvement of public ways and lay out such ways as they deem necessary for convenient access to such land.	M.G.L. c. 82, §38
	Acquire land or easements for drainage by purchase, eminent domain or otherwise.	M.G.L. c. 83, §1
	Establish sidewalks in the public ways and determine their grades and the materials with which they shall be constructed, and order the reconstruction of existing sidewalks.	M.G.L. c. 83, §25
	Contract for the removal of snow and ice and the sanding of town ways.	M.G.L. c. 84, §5A
	Remove obstructions from town ways or whatever endangers, hinders or incommodes travelers on the way.	M.G.L. c. 84, §7
	Relocate stormwater courses to the side of the Town way.	M.G.L. c. 84, §9
	Survey and acquire land to protect a town way	M.G.L. c. 84, §10
	Erect permanent boundaries at the angles and termini of town ways.	M.G.L. c. 86, §1
	Impose, act on abatement applications, apportion and reapportion betterment assessments for improvements to town ways.	M.G.L. c. 80, §1, et seq.
Septage Committee Appointees	Care, custody, management, control, operations, repair, maintenance and improvements of the Wayland-Sudbury Septage Facility.	N/A Intermunicipal Agreement with the Town of Sudbury
Superintendent of Streets	Under the direction of the selectmen, have full charge of all repairs and labor upon public ways and sidewalks and drains; and in relation to such matters, the powers, duties and the liabilities of surveyors of highways and road commissioners.	M.G.L. c. 41, §68

BOARD, COMMITTEE OR OFFICIAL	POWER OR RESPONSIBILITY	STATUTE OR ACT
Surveyors of Highways	Exclusive control of the ordinary repair of public ways in the town.	M.G.L. c. 41, §62
Tree Warden	Appoint and remove deputy tree wardens.	M.G.L. c. 87, §2
	Have the care and control of all public shade trees, shrubs and growths in the town, except those within a state highway, and those in public parks or open places under the jurisdiction of the park commissioners, and shall have care and control of the latter, if so requested in writing by the park commissioners, and shall enforce all the provisions of law for the preservation of such trees, shrubs and growths.	
	Expend all money appropriated for the setting out and maintenance of public shade trees, shrubs and growths.	
	Approve the planting of trees within public ways.	
	Make regulations for the care and preservation of public shade trees and establish fines and forfeitures of not more than twenty dollars in any one case for violations, which shall have the effect of town by-laws.	
	Cut or remove public shade trees, after notice and hearing.	M.G.L. c. 87, §3
	If ordered by the road commissioners, trim or cut down trees and bushes, if they are deemed to obstruct, endanger, hinder or incommode persons traveling on town ways or to obstruct buildings being moved on town ways.	M.G.L. c. 87, §5
	Trim, cut down or remove trees, less than one and one half inches in diameter one foot from the ground, and bushes, standing in town ways.	
	Plant shade trees acquired with public or private funds in a public way, or if deemed expedient, upon abutting land at a distance not exceeding 20 feet from the layout of the public way for the purpose of improving, protecting, shading or ornamenting the way provided, however, that the written consent of the owner of such adjoining land is first obtained.	M.G.L. c. 87, §7
Water Commissioners	Establish a system of water works in the town and supply the town with pure water.	c. 80 of the Acts of 1878
	Have exclusive charge and control of the water department and water system.	M.G.L. c. 41, §69B
	Establish, relocate and discontinue fountains and hydrants.	
	Regulate the use of the water.	
	Fix and collect just and equitable prices and rates for water use.	

BOARD, COMMITTEE OR OFFICIAL	POWER OR RESPONSIBILITY	STATUTE OR ACT
Water Commissioners (cont.)	Prescribe the time and manner of payment of water use charges.	
	Render a report upon the condition of the water works under their charge and an account of their activities, including an account of the receipts and expenditures.	
	Take by eminent domain or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring, stream or ground water sources within the town, not already appropriated for purposes of public water supply, any water or flowage rights connected therewith, and all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving its purity and for conveying such water to any part of the town.	M.G.L. c. 40, §39B
	Upon notice to the water users, restrain the use of water on public and private property by shutting off the water at the meter or at the curb cock or by other means as the case may be, during a drought, hurricane, conflagration or other disaster when in the opinion of DEP an emergency exists.	M.G.L. c. 40, §41A
	Certify unpaid water charges to Town Collector to be a lien on property.	M.G.L. c. 40, §42C
	Act on applications for abatements of water usage charges.	M.G.L. c. 40, §42E
	Levy of special assessments to meet all or part of the cost incurred for laying pipes in public and private ways for the conveyance or distribution of water.	M.G.L. c. 40, §42G
	Impose, act on abatement applications, apportion and reapportion betterment assessments for water system improvements.	M.G.L. c. 80, §1, et seq.
Wayland Wastewater Management District Commission	Appoint, employ, and determine the compensation, duties and conditions of employment of an executive director and such other officer as the WWMDC deems necessary.	c. 461 of the Acts of 1996, §5
	Hire, transfer or otherwise appoint or employ and determine the duties of engineers and other experts and employees as it deems necessary.	c. 461 of the Acts of 1996, §5
	Adopt rules, regulations and procedures re: its functions and duties and the use of and connection to the wastewater system.	c. 461 of the Acts of 1996, §6.
	Maintain an office in the town.	

BOARD, COMMITTEE OR OFFICIAL	POWER OR RESPONSIBILITY	STATUTE OR ACT
Wayland Wastewater Management District Commission (cont.)	Apply for, receive, accept, administer, expend, comply with conditions and requirements of grants, gifts and loans.	
	Acquire real or personal property by purchase, lease, lease-purchase, sale and leaseback, gift or devise.	
	Sell, lease, mortgage, exchange, transfer or otherwise dispose of real or personal property.	c. 461 of the Acts of 1996
	Enter upon land to make surveys, borings, soundings and examinations. project.	
	Order the removal or relocation of conduits, pipes, wires, poles or other property which interferes with the layout, construction and operation of a wastewater disposal	
	Contract for and provide wastewater disposal and treatment services.	
	Construct, improve, extend and enlarge the town's wastewater management system, subject to certain "growth neutral" limitations, with exceptions.	
	Make contracts.	
	Exercise certain statutory powers and privileges of sewer commissioners.	M.G.L. c. 83, §§1-24 and 27-29 to the extent consistent with c. 461 of the Acts of 1996
	Provide financial, technical, administrative assistance and maintenance for wastewater disposal systems.	
	Administer and execute the provisions of the septic system upgrade betterment assessment law.	M.G.L. c. 111, §127B ½ per c. 461 of the Acts of 1996, §6(m)
	Create an overall wastewater policy and plan for the town.	
	Fix, revise, charge, collect and abate fees, rates, rents, assessments, delinquency charges and other charges for wastewater system services, facilities and commodities provided by it.	c. 461 of the Acts of 1996, §7
	Annually prepare an operating and capital improvement budget.	

APPENDIX D
ACTS AND RESOLVES OF MASSACHUSETTS
1962
Chapter 130

AN ACT PROVIDING THAT THE POWERS AND DUTIES OF THE OFFICES OF TREE WARDEN AND SUPERINTENDENT OF MOTH EXTERMINATION IN THE TOWN OF WAYLAND BE VESTED IN THE BOARD OF CEMETERY COMMISSIONERS AND THAT SUCH OFFICES BE ABOLISHED

Be it enacted, etc., as follows:

SECTION 1. The board of cemetery commissioners in the town of wayland shall have all the powers, rights and duties now vested by general or special law in the offices of tree warden and superintendent of moth extermination and such offices are hereby abolished. No contracts or liabilities in force on the date when this act becomes fully effective shall be affected by such abolition, but the board shall in all respects be the lawful successor of the offices so abolished.

SECTION 2. This act shall be submitted to the voters of the town of wayland at the annual town meeting in the current year in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: -- "Shall an act passed by the General Court in the year nineteen hundred and sixty-two, entitled 'An Act providing that the powers and duties of the offices of tree warden and superintendent of moth extermination in the town of Wayland be vested in the board of cemetery commissioners and that such office be abolished', be accepted?" If a majority of the votes in answer to said question is in the affirmative, this act shall take full effect, but not otherwise.

Approved February 20, 1962

APPENDIX E
ACTS AND RESOLVES OF MASSACHUSETTS
1966
Chapter 254

AN ACT ESTABLISHING A PARK AND RECREATION DEPARTMENT IN THE TOWN OF WAYLAND

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of any general or special law or by-law to the contrary, there shall be in the town of Wayland a park and recreation department consisting of five members, each to be elected for a term of three years at the annual town meeting except that at the next annual town meeting following the effective date of this act such five members shall be elected one for one year, two for two years and two for three years.

SECTION 2. Upon the initial election and qualification of the members of said park and recreation department, the board of park commissioners and the board of cemetery commissioners in said town shall be abolished, the terms of office of the members of said boards shall terminate and all powers, duties, trusts and rights conferred or imposed by law on said boards shall be transferred to and exercised by the park and recreation department established under section one.

SECTION 3. This act shall take effect upon its acceptance by the town of Wayland.

Approved May 9, 1986

APPENDIX F

The General Laws of Massachusetts

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 44. MUNICIPAL FINANCE

MISCELLANEOUS PROVISIONS

Chapter 44: Section 53F1/2. Enterprise funds

Section 53F1/2. Notwithstanding the provisions of section fifty-three or any other provision of law to the contrary, a city or town which accepts the provisions of this section may establish a separate account classified as an "Enterprise Fund", for a utility, health care, recreational or transportation facility, and its operation, as the city or town may designate, hereinafter referred to as the enterprise. Such account shall be maintained by the treasurer, and all receipts, revenues and funds from any source derived from all activities of the enterprise shall be deposited in such separate account. The treasurer may invest the funds in such separate account in the manner authorized by sections fifty-five and fifty-five A of chapter forty-four. Any interest earned thereon shall be credited to and become part of such separate account. The books and records of the enterprise shall be maintained in accordance with generally accepted accounting principles and in accordance with the requirements of section thirty-eight.

No later than one hundred and twenty days prior to the beginning of each fiscal year, an estimate of the income for the ensuing fiscal year and a proposed line item budget of the enterprise shall be submitted to the mayor, board of selectmen or other executive authority of the city or town by the appropriate local entity responsible for operations of the enterprise. Said board, mayor or other executive authority shall submit its recommendation to the town meeting, town council or city council, as the case may be, which shall act upon the budget in the same manner as all other budgets.

The city or town shall include in its tax levy for the fiscal year the amount appropriated for the total expenses of the enterprise and an estimate of the income to be derived by the operations of the enterprise. If the estimated income is less than the total appropriation, the difference shall be added to the tax levy and raised by taxation. If the estimated income is more than the total appropriation, the excess shall be appropriated to a separate reserve fund and used for capital expenditures of the enterprise, subject to appropriation, or to reduce user charges if authorized by the appropriate entity responsible for operations of the enterprise. If during a fiscal year the enterprise incurs a loss, such loss shall be included in the succeeding fiscal year's budget.

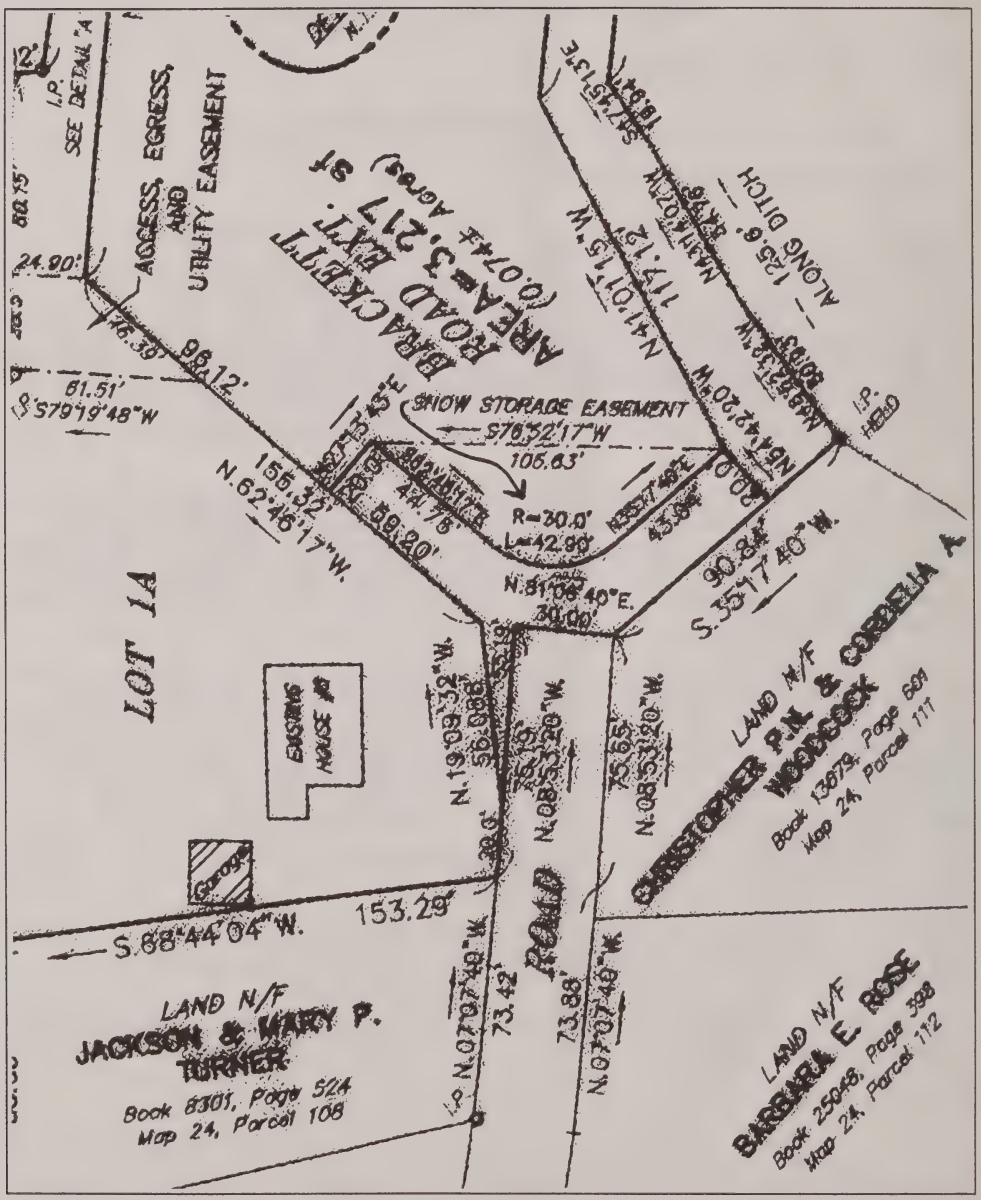
If during a fiscal year the enterprise produces a surplus, such surplus shall be kept in such separate reserve fund and used for the purposes provided therefor in this section.

For the purposes of this section, acceptance in a city shall be by vote of the city council and approval of the mayor, in a town, by vote of a special or annual town meeting and in any other municipality by vote of the legislative body.

A city or town which has accepted the provisions of this section with respect to a designated enterprise may, in like manner, revoke its acceptance.

APPENDIX G

MAP OF SNOW STORAGE EASEMENT FROM BARRY GILBERT AND LARISA BELISLE GILBERT LOCATED OFF THE END OF BRACKETT ROAD



VOLUNTEER TO SERVE YOUR TOWN

Vacancies on Town boards, committees and commissions occur from time to time. Most positions are appointed by the Board of Selectmen (see I).

Elected positions are usually filled at the annual April election, but if openings occur mid-term, they are filled by appointment until the next annual election. Registered voters, please indicate your interest in order of preference (see II):

I. Appointed boards, committees and commissions:

- ☐ Cable TV
- ☐ Cochituate State Park Advisory
- ☐ Community Preservation
- ☐ Conservation
- ☐ Council on Aging
- ☐ Cultural Council
- ☐ Dudley Pond Area Planning
- ☐ Fair Housing
- ☐ Finance
- ☐ Historical
- ☐ Historic District
- ☐ Housing Partnership
- ☐ Local Access Corporation
- ☐ MetroWest Open Space
- ☐ MWRA/Weston Aqueduct
- ☐ Nike Site Reuse Advisory
- ☐ Personnel
- ☐ Public Ceremonies
- ☐ Senior Tax Relief
- ☐ Septage Committee
- ☐ Station Two
- ☐ Surface Water Quality
- ☐ Taxation Aid
- ☐ Town Center Committee
- ☐ Wastewater Management
- ☐ Wayland/Sudbury Septage
- ☐ Youth Advisory
- ☐ Zoning Board of Appeals

II. Elected boards, committees and commissions:

- ☐ Assessors
- ☐ Health
- ☐ Housing Authority
- ☐ Library Trustees
- ☐ Park and Recreation
- ☐ Planning
- ☐ Road Commission
- ☐ School
- ☐ Selectmen
- ☐ Trust Funds
- ☐ Water

NAME:_____ ADDRESS:_____

HOME TEL:_____ WORK TEL:_____

Applications of interest will be kept on file for one year. You will be contacted as relevant vacancies occur.

Return this completed form to:

Town Administrator
Town of Wayland
41 Cochituate Road
Wayland MA 01778

PLACE
STAMP
HERE

Board of Selectmen
Town of Wayland
41 Cochituate Road
Wayland MA 01778

TOWN BOARD VACANCIES

APPOINTED COMMISSIONS/COMMITTEES	TO BE APPOINTED	TERM
BOARD OF HEALTH	1 Vacancy	Fill a Term to Expire with the April 2008 Town Election
CABLE TV ADVISORY COMMITTEE	1 Vacancy	1 Year
FINANCE COMMITTEE	1 Vacancy	Fill a Term to Expire June 30, 2008
HISTORIC DISTRICT COMMISSION ALTERNATE MEMBER	2 Vacancies	3 Years
HISTORICAL COMMISSION	2 Vacancies	3 Years
HOUSING PARTNERSHIP	1 Vacancy	Fill a Term to Expire June 30, 2008
METROWEST OPEN SPACE TASKFORCE	1 Vacancy	1 Year
SENIOR TAX RELIEF COMMITTEE	3 Vacancies	1 Year

Anyone interested in filling the above openings may obtain further information from the Town Administrator's Office, (508) 358-7755, or selectmen@wayland.ma.us.

★★★★★★★★★

You are required to serve this Warrant by posting copies thereof, attested by you, at the Town Building, at the Public Library in Wayland Center, at the Cochituate Fire Station or the Cochituate Post Office, and at the Happy Hollow School, and by mailing or delivering a copy thereof addressed to each residence in the Town fourteen (14) days, at least, before the time appointed for the Special Town Meeting.

Hereof, fail not and deliver this Warrant with your return thereon to the Town Clerk on or before October 23, 2007.

Given under our hands and seals this 22nd day of October, 2007.

Douglas J. Leard
Joseph F. Nolan
Alan J. Reiss
Michael L. Tichnor, Vice Chair
William D. Whitney, Chair

Selectmen of the Town of Wayland

Steven J. Correia
Karl A. Geiger
Cherry C. Karlson, Chair
Robert L. Lentz
Sam H. Peper, Vice Chair
G. Christopher Riley
Richard M. Stack

Finance Committee

TOWN OF WAYLAND
Board of Selectmen
41 Cochituate Road
Wayland MA 01778
www.wayland.ma.us

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